

TY, TENNESSEE
NASHVILLE PH 4: 2

Richard M. Rosenberg, CIA RA
RL
 D.C.

No.

No.

No.

No.

The State merely seeks the documents and materials the Respondents are required by law to provide pursuant to the previously issued Request, plus the costs associated with the bringing of this petition, and civil penalties pursuant to Tenn. Code Ann. § 47-18-106(e). The State

certifies that it has engaged in a good faith discussion with Respondents to resolve Respondents' failure to produce documents requested by the validly issued Request.

FACTUAL ALLEGATIONS

Upon information and belief, the State's grounds for this Petition/Motion are as follows:

1. Petitioner served Respondents with a Request for Consumer Protection Information (hereinafter "Request") pursuant to Tenn. Code Ann. § 47-18-106(a)(1) on October 10, 2012.
2. Respondents had until November 13, 2012 to respond to the Request.
3. Respondents have failed to respond to the Request.
4. On October 26, 2012, counsel for Respondents sent Petitioner a letter stating that he represents Respondents and was in receipt of the Request. Counsel for Respondents stated that he objected to "this arbitrary and capricious state action" and demanded to be advised of the nature of the investigation and who has filed complaints against Respondents. See Exhibit A.
5. On November 5, 2012 Petitioner responded and provided the specific Tennessee statutes that authorize the Tennessee Attorney General to issue Requests and investigate potential violations of the Tennessee Consumer Protection Act. Petitioner reiterated that Respondents needed to respond to the Request. See Exhibit B.
6. On December 5, 2012, after not receiving a response from Respondents, Petitioner wrote to their counsel again, reminding him that the response to the Request was past due by one month. See Exhibit C.
7. On December 10, 2012, counsel for Respondents demanded yet again that Petitioner provide specific facts regarding the basis of the investigation and again refused to provide a response to the Request. See Exhibit D.

8. On January 10, 2013, Petitioner explained again to Respondents the legal basis upon which the Tennessee Attorney General may issue Requests for information, and advised counsel for Respondents that Petitioner would have no option left but to file a Petition to Compel and would seek attorneys' fees and costs if required to go that route. See Exhibit E.
9. On February 19, 2013, Counsel for Respondent, who is located in California, sent a letter to Petitioner stating that Respondent was in the process of hiring local counsel in Tennessee. Petitioner has not heard from any Tennessee counsel, nor has Petitioner heard from Respondent or Respondent's California counsel since that time.
10. To date, Respondents have refused to provide the requested information. Petitioner does not even know the identity of the individuals operating the Local Records Office because of their refusal to respond to the Request.
11. Petitioner has exhausted its out of court remedies to obtain the needed records to proceed with the law enforcement investigation and to investigate Respondents' compliance with state Consumer Laws, and therefore applies to this Honorable Court for an Order requiring Respondents to provide the requested information.
12. The State's consumer protection investigation is in the public interest and is being conducted to protect consumers from Respondents' alleged deceptive and misleading practices.

LEGAL ARGUMENT

13. Pursuant to Tenn. Code Ann. § 47-18-106(a), whenever the Attorney General's Office has reason to believe that a person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the Consumer Protection Act, or has reason to believe that it would be in the public interest to conduct an investigation to ascertain whether any person has engaged in such act or practice, the Attorney General may require the person to

file a statement or report in writing, under oath, as to all the facts and circumstances concerning the alleged violation and to furnish and make available for examination whatever documentary material and information are relevant to the subject matter of the investigation.

14. Tenn. Code Ann. § 47-18-106(b) provides:

At any time prior to the return date specified in the division's request for information pursuant to subsection (a), or within ten (10) days following notice of such a request, whichever is shorter, any person from whom information has been requested may petition the circuit or chancery court of Davidson County, stating good cause, for a protective order to extend the return date for a reasonable time, or to modify or set aside the request.

15. Tenn. Code Ann. § 47-18-106(c) provides:

If no protective order is secured and the written request by the division is not complied with by its return date, the division, upon notice to the person requested to provide information, may apply to the court of competent jurisdiction for an order compelling compliance with the request.

16. Respondents have failed to file for a Protective Order and have refused to comply with the properly issued Request.

PRAYER FOR RELIEF

For the above stated reasons, the State of Tennessee, by and through counsel, applies and prays to this Court for the following relief:

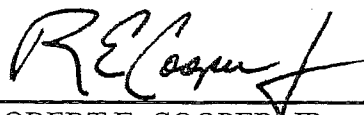
1. That this Court issue an order compelling Respondents and their owners, officers, directors, affiliates, successors, subsidiaries, employees, agents and/or representatives to immediately provide full and complete responses to the State's outstanding Request issued on October 10, 2012 by no later than ten (10) days after entry of the Court's order;
2. That this Court issue an order prohibiting and enjoining Respondents and their owners, officers, directors, affiliates, successors, subsidiaries, employees, agents

and/or representatives from avoiding, evading, or preventing compliance, in whole or in part, with the State's civil investigation and prohibiting Respondents from removing from any place, concealing, withholding, destroying, mutilating, falsifying or by any means altering any documentary material in the possession of Respondents and their owners, officers, directors, agents, assigns, representatives and employees;

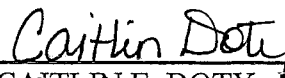
3. That this Court, pursuant to Tenn. Code Ann. § 47-18-106(e) impose a civil penalty in the amount of \$1,000 against Respondents, and award judgment subject to execution, to the State of Tennessee for this amount to be paid to the State by certified check made payable to the "Treasurer, State of Tennessee – Civil Penalty" within ten (10) days of this Court's order;
4. That this Court hold an expedited hearing to determine whether Respondents are in civil contempt should they refuse to provide Petitioner with the requested information within ten (10) days of this Court's Order;
5. That this Court, pursuant to Tenn. Code Ann. § 47-18-108(b)(4), order Respondents to pay the State Attorney General for the reasonable costs, including attorneys fees, of preparing and filing this Petition, and award judgment subject to execution to the State for such attorneys' fees and costs within ten (10) days of entry of the Court's order. The State will also submit the bill from the court reporter relating to any such hearing to the court for reimbursement by Respondents within ten (10) days of filing. Said amounts should be paid by certified check made payable to the "Treasurer, State of Tennessee – Attorney General";
6. That all costs in this case be taxed against Respondents;

7. That pursuant to Tenn. Code Ann. § 47-18-116, no costs shall be taxed against the State; and
8. That this Court grant Petitioner such other and further relief as this Court deems just and proper.
9. This is the State's first request for extraordinary relief in this matter.

RESPECTFULLY SUBMITTED,



ROBERT E. COOPER, JR.
Attorney General and Reporter
State of Tennessee
B.P.R. No. 010934



CAITLIN E. DOTY
B.P.R. No. 026273
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202-0207
Phone: (615) 741-7663
Facsimile: (615) 532-2910
E-mail: Caitlin.Doty@ag.tn.gov

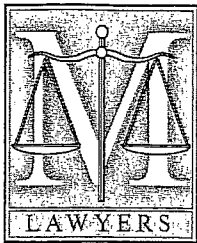
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Document Filing has been forwarded via certified mail, postage prepaid, to:

Eduardo Madrid
Counsel for Respondents
12612 Central Ave.
Chino, CA 91710

on this the 17 day of April, 2013.


CAITLIN E. DOTY



EDUARDO M. MADRID
ERICA L. MADRID

El Central Real Plaza
12612 Central Avenue
Chino, California 91710
Telephone: (909) 628-0068
Facsimile: (909) 628-0067

Website:
www.madridlawfirm.com

Writer's E-mail:
Ed@madridlawfirm.com
Erica@madridlawfirm.com

MADRID LAW FIRM
A PROFESSIONAL LAW CORPORATION

October 26, 2012

Office of the Attorney General
Consumer Advocate & Protection Division
Post Office Box 20207
Nashville, Tennessee 37202-0207

Attention: Robert E. Cooper, Jr. Assistant Attorney General

RE: Our Client: Local Records Office

Dear Mr. Cooper:

Please be advised that I am counsel for Local Records Office.

I am in receipt of Request for Consumer Protection Information. To my knowledge, no civil or criminal action has been filed against my client, and as such, we object to this arbitrary and capricious state action, which in our view violates our client's federal constitutional rights to conduct business in your state.

We have no idea what you are investigating.

Please advise me of the nature of this investigation, the legal authority for such action and who, if anyone, has filed or lodged any complaints against my client.

Thank you for your anticipated courtesy and cooperation in this regard.

Very truly yours,

MADRID LAW FIRM
A Professional Law Corporation

EDUARDO M. MADRID

EMM/em

EXHIBIT

A

STATE OF TENNESSEE

Office of the Attorney General



LUCY HONEY HAYNES
CHIEF DEPUTY ATTORNEY GENERAL

LAWRENCE HARRINGTON
CHIEF POLICY DEPUTY

ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
CORDELL HULL AND JOHN SEVIER STATE
OFFICE BUILDINGS

MAILING ADDRESS
P.O. BOX 20207
NASHVILLE, TN 37202

BILL YOUNG
SOLICITOR GENERAL
TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

November 5, 2012

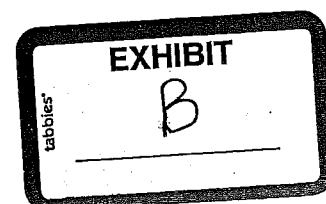
Eduardo Madrid
El Central Real Plaza
12612 Central Ave.
Chino, CA 91710

Re: Local Records Office, Request for Consumer Protection Information

Dear Mr. Madrid,

Thank you for your letter dated October 26, 2012 regarding the Request for Consumer Protection Information (hereinafter referred to as "Request") that was issued to the Local Records Office by the Tennessee Attorney General. The Request was issued pursuant to Tenn. Code Ann. § 47-18-106 *et seq.* This statute provides that whenever the Consumer Protection Division of the Attorney General's office has reason to believe that a person or business is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the Tennessee Consumer Protection Act, the Attorney General may require the person to file a statement in writing, under oath, as to all of the facts and circumstances concerning the alleged violation, to furnish documentary material and information relevant to the investigation, and to examine under oath any person in connection with the alleged violation. Please see T.C.A. § 47-18-106(a) for reference. This statute permits the Attorney General to issue a Request for Consumer Protection Information prior to filing a lawsuit, which is why no action has been filed in court as of yet. Furthermore, our investigation is confidential until such time as we file a lawsuit, and for that reason we do not provide complaints made confidentially.

To answer your remaining questions, the nature of our investigation is civil and based upon Tennessee state law. We are investigating possible violations of the Tennessee Consumer Protection Act by your client.



As a separate matter, I was unable to find your name in a search of attorneys licensed to practice in Tennessee. If you are co-counseling with a Tennessee licensed attorney, please advise as to the identity and contact information of any such attorney. This Office is also charged with enforcing the unauthorized practice of law and improper conduct statutes. Tennessee law prohibits any person from engaging in the "practice of law" and/or "law business" without a license. *See* Tenn. Code Ann. §§ 23-3-101 and 23-3-103. The "practice of law" is defined as:

the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services.

"Law business" is defined as:

the advising or counseling for a valuable consideration of any person as to any secular law, or the drawing or the procuring of or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights, or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to secure for any person any property or property rights whatsoever, or the soliciting of clients directly or indirectly to provide such services.

We encourage you to ensure that all of your activities and conduct in the State of Tennessee fully comply with all applicable state and federal laws, regulations and rules. I look forward to hearing from you as to whether you have co-counsel licensed to practice in Tennessee if you will be representing Local Records Office.

Sincerely,



CAITLIN E. DOTY
Assistant Attorney General
Consumer Advocate and Protection Division
(615) 741-7663

STATE OF TENNESSEE

Office of the Attorney General



ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
CORDELL HULL AND JOHN SEVIER STATE
OFFICE BUILDINGS

LUCY HONEY HAYNES
CHIEF DEPUTY ATTORNEY GENERAL

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P.O. BOX 20207
NASHVILLE, TN 37202

BILL YOUNG
SOLICITOR GENERAL
TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

December 5, 2012

Eduardo Madrid
El Central Real Plaza
12612 Central Ave.
Chino, CA 91710

Re: Local Records Office, Request for Consumer Protection Information

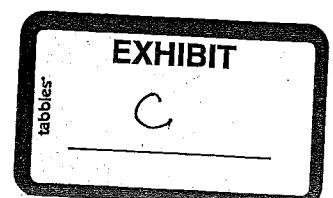
Dear Mr. Madrid,

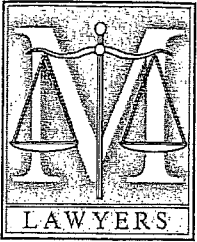
On November 5, 2012, I sent a letter to you regarding the statutory authority of the Tennessee Attorney General's Office to issue the Request for Consumer Protection Information ("RCPI"). Local Records' responses were due no later than November 13, 2012. To date, we have not received their response. Please be advised that if we do not receive their response by December 14, 2012, we will file a Petition to Compel and will seek attorneys' fees and costs. Finally, I advised you in my last letter that unless you have obtained co-counsel licensed to practice law in Tennessee, your involvement in this matter may run afoul of our State's Unauthorized Practice of Law statute. Please advise immediately if you have obtained counsel and whether you represent Local Records Office. If I need to contact them directly because you do not represent them, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Doty".

CAITLINE E. DOTY
Assistant Attorney General
Consumer Advocate and Protection Division
(615) 741-7663





EDUARDO M. MADRID
ERICA L. MADRID

El Central Real Plaza
12612 Central Avenue
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Writer's E-mail:
Ed@madridlawfirm.com
Erica@madridlawfirm.com

MADRID LAW FIRM
A PROFESSIONAL LAW CORPORATION

December 10, 2012

Office of the Attorney General
Consumer Advocate & Protection Division
Post Office Box 20207
Nashville, Tennessee 37202-0207

Attention: Caitlin E. Doty, Assistant Attorney General

RE: Our Client: Local Records Office

Dear Ms. Doty:

Thank you for your letter dated December 5, 2012.

Thank you for pointing out to me that I am not licensed in the State of Tennessee. Your grasp of the obvious is amazing. Contrary to your assertion, I never represented or stated to your office that I was licensed to practice law in your state.

You never responded to my inquiry. Perhaps if you can set forth specifically the nature and factual basis of your investigation with regard to my client, along with your legal authority, I will be in a position to determine whether we need resident counsel. In the event we need resident counsel, we are prepared to retain local counsel if necessary.

Considering that no lawsuit has been filed and served upon my client coupled with your refusal to provide me any information because I am not "licensed" in the State of Tennessee, I have no idea what "responses" you need by December 14, 2012.

Very truly yours,

MADRID LAW FIRM
A Professional Law Corporation

EDUARDO M. MADRID

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RECEIVED

DEC 17 2012

CONSUMER ADVOCATE &
PROTECTION DIVISION

EXHIBIT

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STATE OF TENNESSEE

Office of the Attorney General



ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
CORDELL HULL AND JOHN SEVIER STATE
OFFICE BUILDINGS

MAILING ADDRESS
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NASHVILLE, TN 37202

LUCY HONEY HAYNES
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LAWRENCE HARRINGTON
CHIEF POLICY DEPUTY

BILL YOUNG
SOLICITOR GENERAL

TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

January 10, 2012

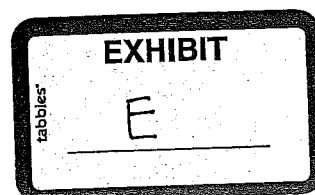
Eduardo Madrid
El Central Real Plaza
12612 Central Ave.
Chino, CA 91710

Re: *Local Records Office, Request for Consumer Protection Information*

Dear Mr. Madrid,

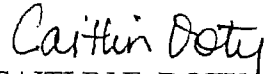
The advising as to rights and obligations pursuant to Tennessee state law constitutes the practice of law. Please see Tenn. Code Ann. § 23-3-101 *et seq.*

We have no obligation to give you the information that you seek as to the basis of our investigation. T.C.A. § 47-18-106(a) provides that whenever this division has reason to believe a person is engaging in, has engaged in, or is about to engage in any act or practice declared unlawful by the Consumer Protection Act, or where we have reason to believe that it would be in the public interest to conduct an investigation to that end, we may require the person to file a statement or report in writing, under oath, as to all the facts and circumstances concerning the alleged violation and to furnish whatever documentary material and information are relevant. We can also examine such persons under oath. T.C.A. § 47-18-106(b) provides that Local Records Office could have applied for a protective order within 10 days of receiving notice of our investigation. The time to file for a protective order has passed. Finally, § 47-18-106(c) provides that where no protective order is secured and the written request is not complied with by its return date, we may apply to the court for an order compelling compliance with the request. Nowhere in our Consumer Protection Statute are we required to reveal the basis of our confidential investigation, which does not require that we file a lawsuit to initiate an investigation. This is a law enforcement action, not private litigation.



Please be advised that if we do not receive Local Records Office's response to the Request for Consumer Protection Information by January 25, 2013, we will take appropriate action, which may include filing a Petition to Compel, including seeking attorneys' fees and costs.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Doty".

CAITLIN E. DOTY

Assistant Attorney General

Consumer Advocate and Protection Division

(615) 741-7663

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

2013 APR 17 PM 4:20

STATE OF TENNESSEE, *ex rel.*
ROBERT E. COOPER, JR., Attorney General
and Reporter,

Petitioner,

v.

LOCAL RECORDS OFFICE and UNKNOWN
INDIVIDUALS D/B/A LOCAL RECORDS
OFFICE,

Respondents.

DEBRA J. BOWMAN, CLERK

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)  D.C.


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) No. _____
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NOTICE OF HEARING ON STATE'S PETITION/MOTION FOR AN ORDER
COMPELLING COMPLIANCE WITH THE STATE'S
REQUEST FOR CONSUMER PROTECTION INFORMATION

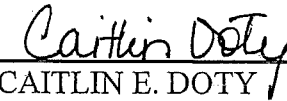
A Hearing on the State's Petition for Compliance with the State Attorney General's
Request for Consumer Protection Information will be held on the _____ day of
2013, in the ___ Circuit Court for Davidson County at the Davidson County Courthouse,
Nashville, Tennessee at _____ a.m.

THIS MOTION SHALL BE HEARD ON THE _____ DAY OF _____, 2013 AT 9:00
A.M. FAILURE TO FILE AND SERVE A TIMELY WRITTEN RESPONSE SHALL
RESULT IN THE MOTION BEING GRANTED WITHOUT FURTHER HEARING.

RESPECTFULLY SUBMITTED,



ROBERT E. COOPER, JR.
Attorney General and Reporter
State of Tennessee
B.P.R. No. 010934



CAITLIN E. DOTY
B.P.R. No. 026273
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202-0207
Phone: (615) 741-7663
Facsimile: (615) 532-2910
E-mail: Caitlin.Doty@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Document Filing has been forwarded via certified mail, postage prepaid, to:

Eduardo Madrid
Counsel for Respondents
12612 Central Ave.
Chino, CA 91710

on this the 17 day of April, 2013.



CAITLIN E. DOTY